

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

BRANDIE LEE CANTRELL,)
)
Plaintiff,) Case No. 4:11-cv-48
)
v.)
) Judge Mattice
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL SECURITY,) Magistrate Judge Carter
)
Defendant.)
)

ORDER

On November 5, 2012, United States Magistrate Judge William Carter filed his Report and Recommendation (Doc. 22) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that (1) Plaintiff's Motion for Judgment on the Pleadings (Doc. 13) be denied; (2) Defendant's Motion for Summary Judgment (Doc. 16) be granted; (3) the Decision of the Commissioner be affirmed; and (4) this action be dismissed.

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and

¹ Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 22 at 19 n.1); see Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Taking into account both the three additional days for service provided by Fed. R. Civ. P. 6(d) and the Thanksgiving holiday, the period in which Plaintiff could timely file objections expired on November 23, 2012.

Recommendation, as well as the record, and it agrees with Magistrate Judge Carter's well-reasoned conclusions.²

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for Judgment on the Pleadings (Doc. 13) is **DENIED**;
- Defendant's Motion for Summary Judgment (Doc. 16) is **GRANTED**;
- The decision of the Commissioner is **AFFIRMED**; and
- This case is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 27th day of December, 2012.

/s/ *Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE

² The Court notes that the Report and Recommendation contains a factual discrepancy, listing Plaintiff's birth year as both 1977 and 1959. (See Doc. 22 at 1, 5). The Court notes that the record establishes that Plaintiff was born in 1977. This error was clearly typographical in nature and does nothing to undermine the well-reasoned conclusions contained in the Report and Recommendation.